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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,004	08/26/2003	Martin Lund	14223US02	3309
23446 7590 04/02/2008 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661				
EXAMINER				
PATEL, CHIRAG R				
ART UNIT		PAPER NUMBER		
2141				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/648,004

**Applicant(s)**

LUND, MARTIN

**Examiner**

CHIRAG R. PATEL

**Art Unit**

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 5, 2007 has been entered.

***Response to Arguments***

Applicant's arguments filed December 5, 2007 have been fully considered but they are not persuasive. A discussion is provided below.

Examiner asserts that Tzeng discloses the network stations interpreted as blade servers when reading the claims in light of the specifications. per (Col 3 lines 15-42), "The packet switched network includes integrated (i.e., single chip) multiport switches 12 that enable communication of data packets between network stations 14. Each network station 14, for example a client workstation, is typically configured for sending and receiving data packets at 10 Mbps or 100 Mbps according to IEEE 802.3 protocol. Each of the integrated multiport switches 12 are interconnected by gigabit Ethernet links 16, enabling transfer of data packets between subnetworks (or subnets) 18a, 18b, and 18c. Hence, each subnetwork includes a switch 12, and an associated group of network stations 14." Examiner asserts that each of the network stations referred to as blade servers when reading the claims in light of the spec are coupled to the switch fabric 25

as disclosed in Tzeng per (Col 3 lines 15-42), "Each switch 12 includes a switch port 20 that includes a media access control (MAC) module 22 and a port filter 24. The MAC module 20 transmits and receives data packets to the associated network stations 14 across 10/100 Mbps physical layer (PHY) transceivers (not shown) according to IEEE 802.3u protocol. Each switch 12 also includes a switch fabric 25 configured for making frame forwarding decisions for received data packets."

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Tzeng (US 6,574,240).

As per claims 1, 11, and 21 Tzeng discloses a method for communicating information in a server, the method comprising:

receiving at least one packet from a first blade server of a plurality of blade servers, at least two of which is coupled to a common switch via a common bus (Col 15-28, Col 4 lines 22-30)

determining at least one identifier associated with at least a second blade server based on at least a portion of said received at least one packet; and (Col 5 lines 46-59)

routing via a common switch, at least a portion of said at least one received packet to at least said second blade server. (Col 6 lines 4-18)

As per claims 2, 12, and 22, Tzeng discloses the method according to claim 1, comprising transferring said at least a portion of said at least one received packet to said at least said second blade server via said common switch. (Col 6 lines 14-18)

As per claims 3, 13, and 23, Tzeng discloses the method according to claim 1, wherein said common switch comprises a switch blade coupled to said common bus, and wherein said switch blade controls said routing of said at least a portion of said received packet. (Col 4 lines 22-30)

As per claims 4, 14, and 24, Tzeng discloses the method according to claim 3, further comprising determining at least one identifier of said switch blade. (Col 6 lines 28-41)

As per claims 5, 15, and 25, Tzeng discloses the method according to claim 4, further comprising determining at least one identifier of said first blade server. (Col 5 lines 46-59)

As per claims 6, 16, and 26, Tzeng discloses the method according to claim 5, wherein said identifier of said first blade server, said identifier of said second blade server and said identifier of said switch blade each comprises one or more MAC address and an IP address. (Col 5 lines 46-59 )

As per claims 7, 17, and 27, Tzeng discloses the method according to claim 1, comprising: acquiring at least one identifier of said first blade server; and transferring via said common switch, said acquired at least one identifier of said first blade server to at least said second blade server. (Col 5 lines 46-59, Col 6 lines 14-18)

As per claims 8, 18, and 28, Tzeng discloses the method according to claim 1, comprising broadcasting at least a portion of said at least one received packet on said common switch. (Col 7 lines 53-59)

As per claims 9, 19, and 29, Tzeng discloses the method according to claim 1, comprising receiving a broadcast containing said at least one received packet. (Col 7 lines 53-59)

As per claims 10, 20, and 30, Tzeng discloses the method according to claim 1, comprising receiving at least one packet from said second blade server and transferring via a common switch, said at least at portion of said at least one packet received from

said second blade server to at least one of said first blade server and a third blade server. (Col 3 lines 15-28)

### ***Conclusion***

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag R Patel whose telephone number is (571)272-7966. The examiner can normally be reached on Monday to Friday from 7:30AM to 4:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

/C. R. P./  
Examiner, Art Unit 2141

/Jason D Cardone/  
Supervisory Patent Examiner, Art Unit 2145